

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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ESTATE OF RUTH FREIWALD  
BY PERSONAL REPRESENTATIVE CHARLES FREIWALD, et al.,

PLAINTIFFS,

CASE NO: 18-CV-896

DEAN HEALTH PLAN, INC. and  
PROGRESSIVE CASUALTY INSURANCE COMPANY,

INVOLUNTARY PLAINTIFFS,

v.

ADEYEMI FATOKI, M.D., et al.,

DEFENDANTS.

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**PLAINTIFFS' FRCP RULE 26(a)(3) and CIVIL L. R. 16 (c)  
PRETRIAL REPORT**

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PLEASE TAKE NOTICE that pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, Local Rule 16(c) and the Court's Pretrial Order, the Plaintiffs, Estate of Ruth Freiwald, Nathan Randall Fett, Meles Lee Teklay Fett, Zafu Ann Teklay Fett, Kalkidan Marie Solomon Fett, Matthew John Fett, Seyaye Ellen Teklay Fett, Natinael Earl Solomon Fett, and Brandon Charles Fett, by their attorneys, Lawton & Cates, S.C., by Attorney Dixon R. Gahnz and

Valorem Law Group, L.P., by Attorney Nicole Nehama Auerbach, disclose the following information:

**A. PLAINTIFFS' STATEMENT OF THE CASE**

On November 2, 2016, Ruth Freiwald stepped into the path of a truck in a suicide attempt while on work release from a sentence she was serving at the Brown County Jail's Work Release Center in Green Bay, Wisconsin. Ms. Freiwald's estate and her children ("Plaintiffs") filed this lawsuit against Correct Care Solutions LLC (CCS), the County's private health care provider for jail inmates, and three of CCS's employees, Dr. Adeyemi Fatoki and Nurses Jessica Jones and Emily Blozinski. Plaintiffs claim that Ms. Freiwald's death was caused by the defendants' deliberate indifference to Freiwald's serious medical needs in violation of her Eighth Amendment rights. Since the lawsuit was filed, defendants Brown County and Officer Dominic Peters settled with Plaintiffs. Plaintiffs have also dismissed their state law claims, opting to proceed at trial on the Section 1983 claims against the individual defendants and their *Monell* claims against CCS.

The focus at trial will be the care (or lack thereof) given to Ms. Freiwald by Defendants while she was incarcerated as a "Huber" inmate with privileges to leave jail for school and work. Notwithstanding a well-documented history of suicidal behavior (notably, Ms. Freiwald was in jail because of a suicide attempt 7 months earlier involving her car); diagnoses of mental health issues; a "suicide risk" assessment made upon intake by the jail's Offender Management System; a Suicide Screening Questionnaire and Initial Booking Report replete with evidence of mental health issues, recent psychiatric hospitalization and care, and other risk factors; and the provision of prescriptions of medications, including benzodiazepines, which were court-ordered for her to continue to take, Defendants withheld her medications cold-turkey in the absence of any medically-defensible rationale to do so, and in furtherance of a pattern and practice of CCS to

withhold crucial medications from inmates. Defendants then ignored repeated requests from Ms. Freiwald to provide her medication and monitor her, which written requests included evidence she was experience withdrawal symptoms, and they failed to monitor her despite knowing the dangers of cold-turkey withdrawal coupled with mental health and other suicide risks. Instead, Defendants acted in conformance with a contradictory contractual policy between CCS and Brown County that Huber inmates were responsible to obtain their own medical care, except that all medications had to be approved by the CCS-run Health Services Unit. To add injury to insult, despite withholding Ms. Freiwald's crucial medications, failing to examine, speak with her or monitor her in any manner whatsoever, Defendants also failed to withdraw her Huber privileges. Six days into her stay at the jail without her medication, she stepped into oncoming traffic and died days later.

Defendants deny the allegations against them, claiming that the decision to withhold Ms. Freiwald's medications was medically sound under the circumstances, that the Nurses were not in a position to order or influence whether she received her medication, and ultimately, that the withholding of medication and the nurses' conduct was not the proximate cause of her suicide.

Plaintiffs seek compensatory damages, punitive damages against the individual defendants, and the recovery of costs and attorneys' fees in accordance 42 U.S.C. Section 1988.

## **B. PLAINTIFFS' STATEMENT OF THE ISSUES**

1. Did Defendant Fatoki violate Ruth Freiwald's Eight Amendment rights by failing to provide adequate medical care for a serious medical need while she was incarcerated at Brown County Jail in Green Bay, Wisconsin from October 27, 2016 – November 2, 2016.
2. Did Defendant Nurse Jones violate Ruth Freiwald's Eight Amendment rights by failing to provide adequate medical care for a serious medical need while she was incarcerated at Brown County Jail in Green Bay, Wisconsin from October 27, 2016 – November 2, 2016.
3. Did Defendant Nurse Blozinski violate Ruth Freiwald's Eight Amendment rights by failing to provide adequate medical care for a serious medical need while she was incarcerated at Brown County Jail in Green Bay, Wisconsin from October 27, 2016 – November 2, 2016.
4. Did Correct Care Solutions, under a *Monell v. Department of Social Services* theory of liability, violate Ms. Freiwald's Eight Amendment rights by virtue of: (1) an express policy in the form of the "Huber policy" that caused her constitutional deprivation; (2) a widespread custom or practice in the form of a policy to improperly delay or withhold medications from inmates; and/or (3) was Ms. Freiwald's constitutional rights violated by Dr. Fatoki, who, as Regional Health Authority for CCS, was a person with final policymaking authority?
5. If yes, to any of the questions posed above, what compensatory damages are Plaintiffs entitled to from Defendants?
6. If yes to Questions 1-3, did any of Defendants Fatoki, Jones or Blozinski act with such wilful and wantonness or reckless of Ms. Freiwald's rights that punitive damages are warranted?
7. For any Defendant to whom the answer to Question 6 was "yes," what punitive damages are Plaintiffs entitled to from such individual Defendant?

### **C. NAMES AND ADDRESSES OF WITNESSES EXPECTED TO TESTIFY**

**Those witnesses with \* after their name are represented and can be contacted through Plaintiffs' counsel.**

1. Charles Freiwald\*  
23 Tamarack Lane  
Amherst, NH 03031
2. Ann Freiwald\*  
1826 Sheridan Street  
Madison, WI 53704
3. Anthony Freiwald\*  
3717 W. Marshall Street  
Manitowoc, WI 54220
4. Nathan Randall Fett\*  
7720 Gibraltar Ct N  
St. Petersburg, FL 33709
5. Meles Lee Teklay Fett\*  
1417 North Prospect Avenue #103  
Milwaukee, WI 53211
6. Zafu Ann Teklay Fett\*  
1657 Bedford Ave. Floor 3  
Brooklyn, NY 11225
7. Kalkidan Marie Solomon Fett\*  
7411 W. North Ave.  
Wauwatosa, WI 53213
8. Matthew John Fett\*  
5130 Expo Drive #103  
Manitowoc, WI 54220
9. Seyaye Ellen Teklay Fett\*  
2332 N. Oakland Ave.  
Milwaukee, WI 53211
10. Natinael Earl Solomon Fett\*  
430 W. Main Street  
Madison, WI 53715

11. Brandon Charles Fett\*  
410 Rushmore Lane #2  
Madison, WI 53711
12. Adeyemi Fatoki, M.D.  
Treatment Providers LLC  
2731 N. Packerland Drive Suite A  
Green Bay, WI 54303
13. Jessica Jones, RN  
c/o Correct Care Solutions, LLC  
1283 Murfreesboro Road Suite 500  
Nashville, TN 37217
14. Emily Blozinski, LPN  
c/o Correct Care Solutions, LLC  
1283 Murfreesboro Road Suite 500  
Nashville, TN 37217
15. Jessica Dennisen  
c/o Correct Care Solutions, LLC  
1283 Murfreesboro Road Suite 500  
Nashville, TN 37217
16. Andrew Walter -  
Correct Care Solutions  
1283 Murfreesboro Road  
Suite 500  
Nashville, TN  
**\*\*note: CCS' counsel has indicated that he is trying to ascertain if Mr. Walter, who lives in Colorado, will be unavailable at trial. Plaintiffs and CCS have agreed to hold off designating his deposition until CCS makes a final determination, no later than July 21, 2021.**
17. Dominic J. Peters  
Brown County Sheriff's Department  
2684 Development Drive  
Green Bay, WI 54311
18. Heidi Michel  
Brown County Sheriff's Department  
2684 Development Drive  
Green Bay, WI 54311
19. Debora Gryboski  
2592 Hensira Lane

Green Bay, WI 54304

20. Denise Zenko  
2283 Boardwalk Avenue  
Green Bay, WI 54311
21. Yogesh Pareek, M.D.  
Brown County Community Treatment Center  
3150 Gershwin Drive  
Green Bay, WI 54311
22. Stuart Sheets, M.D.  
Prevea Health  
P.O. Box 19070  
Green Bay, WI 54307
23. Kelly Schumacher  
Disability Services Office Manager  
Northeast Wisconsin Technical College  
2740 West Mason Street  
Green Bay, WI 54303
24. Julie Chapman  
Library Supervisor  
Northeast Wisconsin Technical College  
2740 West Mason Street  
Green Bay, WI 54303
25. Jon Teske, LPC  
Bellin Health Psychiatric Center  
3262 Eaton Road  
Green Bay, WI 54311
26. Jaymi Ninham  
2263 Preble Avenue  
Green Bay, WI 54302
27. John H. Greist, MD  
1517 Edgehill Drive  
Madison, WI 53705
28. Sue Ward, RN, MS  
N3798 County Hwy F  
Montello, WI 53949

29. Dawn Vardis  
Prevea Health Behavioral Care  
2680 Vernon Drive  
Green Bay, WI 54307
30. Pamela Page  
Prevea Health  
P.O. Box 19070  
Green Bay, WI 54307
31. Erin Mae Green, M.D.  
St. Vincent's Hospital  
835 S. Van Buren Street  
Green Bay, WI 54301
32. John W. Mitchell  
Brown County Sheriff's Department  
2684 Development Drive  
Green Bay, WI 54311
33. Robert J. Weed  
Brown County Sheriff's Department  
2684 Development Drive  
Green Bay, WI 54311

Plaintiff reserves the right to call additional witnesses for rebuttal purposes.



#### **D. STATEMENT OF THE BACKGROUND OF ALL PLAINTIFFS' EXPERT WITNESSES LISTED**

**John H. Greist, M.D.** is an Emeritus Professor – Psychiatry at University of Wisconsin School of Medicine and Public Health, an Affiliate Professor – Cell Biology and Neuroscience at Montana State University, and a Visiting Scholar, Department of Psychiatry at the University of Arizona College of Medicine. Dr. Greist has been involved in teaching and practicing psychiatry for over 40 years. He stopped seeing patients in 2015. He has authored numerous peer-reviewed articles and has conducted drug trials involving benzodiazepenes such as librium and valium. He has also conducted drug trials for gabapentin. Dr. Greist is currently working with the University of Montana to provide mental health services via computer to residents of Montana who would not otherwise have access to mental health services.

**Sue Ward, R.N.** obtained her Master of Science Degree in Health Care Management in 1986. She is a certified case manager and has worked in the nursing profession since 1973. Nurse Ward worked for Dodge Correctional Institute, Columbia Correctional Institute, and Mendota Mental Health Center. Nurse Ward was the director of review and program development for the Wisconsin Peer Review. Nurse Ward was adjunct faculty at Concordia University in health care management. Nurse Ward has provided expert opinions on behalf of correctional facilities and inmates on numerous occasions.

## **E. PLAINTIFFS' LIST OF EXHIBITS TO BE OFFERED AT TRIAL<sup>1</sup>**

### **MITCHELL DEPOSITION EXHIBITS**

- 1 Documents reviewed by Lt. Mitchell prior to deposition
- 1A Huber Law Information Sheet
- 1B Signed Huber rules sheet
- 4 Huber Inmate Information Sheet
- 5 Receiving Screening
- 6 Jail Chart Audit Form
- 7 Suicide Watch Observation Log
- 8 Inmate Notebook regarding Ruth Freiwald
- 10 Order for Probation to DOC and Judgment of Conviction
- 11 Minute Sheet Continuation, Page 2 of 2
- 12 Screenshot of Release tab of jail OMS system
- 13 Screenshot for Grievances tab of jail OMS sheet
- 14 Inmate Commitment Summary Report from OMS created on 10/28/16
- 15 Inmate Commitment Summary Report from OMS
- 16 Suicide Screening Questionnaire

### **BLOZINSKI DEPOSITION EXHIBITS**

- 19 Emily Blozinski's resume
- 20 Student and Group Transcript Report for Emily J. Blozinski

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<sup>1</sup> Counsel for the parties plan to meet and confer about exhibits on July 14. Once the Court rules on exhibits in dispute, the parties will prepare an exhibit list using the exhibit and witness List form located on the Court's website as directed by the Court's Pretrial Order [Dkt 144].

- 21 Spreadsheet HSU Staff
- 22 Licensed Practical Nurse Job description
- 24 Booking Observation Report
- 25 Suicide Screening Questionnaire
- 26 Medication Verification Form
- 27 10/28/16 Inmate Request for Medical Care
- 28 10/30/16 Inmate Request for Medical Care
- 29 Medical Administration Record
- 30 Medication Order
- 31 CCS Policies & Procedure document re: Timely Initiation of Medication Upon Arrival
- 32 CCS Policies & Procedure document re: Medication Services
- 33 CCS Policies & Procedure document re: Medication Administration Training
- 34 CCS Policies & Procedure document re: Medication Verification
- 35 CNN article, "Please Help Me Before It's Too Late"

**FATOKI DEPOSITION EXHIBITS**

- 38 Medication Verification Form
- 39 Brown County Sheriff's Department Jail Division – H16 – Assessment of Suicidal Risk/Management of Suicidal Inmate
- 40 Brown County Sheriff's Department Jail Division – H15a mental health
- 41 Brown County Sheriff's Department Jail Division – H8 – Acceptance and Verification of Medication
- 42 Brown County Sheriff's Department Jail Division – H7 – Medical Orders
- 43 CCS Policies & Procedures – Communications on Patients Health Needs
- 44 CCS Policies & Procedures – Receiving Screening

- 45 CCS Policies & Procedures – Psychiatric Services
- 46 CCS Policies & Procedures: Suicide Prevention Program
- 47 Adeyemi Fatoki MD. MPH CV – Filed 6/12/15
- 48 Adeyemi Fatoki MD. MPH CV – Filed 3/3/17
- 49 Adeyemi Fatoki MD. MPH CV
- 50 Brown County Standard Professional Services Contract – Attachment A – Scope of Work Effective January 1, 2014
- 51 Student and Group Transcript Report – Adeyemi Fatoki
- 52 Answers to Plaintiffs’ First Set of Interrogatories to Defendant Adeyemi Fatoki, M.D.
- 53 Fatoki prior expert report (Foy v. City of Chicago)
- 54 Senno v. Department of Healthcare and Family Services
- 55 Complaint Jeffrey Heth v. LaSalle County, et al.
- 56 Complaint Gallenberger v. Brown County, et al.
- 57 Dr. Adeyemi Fatoki M.D., MPH – Great Heights
- 58 Pacer Case Locator – Party Search Results

**JONES DEPOSITION EXHIBITS**

- 59 Nurse Jones’ resume
- 60 Printout of HealthStream training
- 61 HealthStream Student and Group Transcript Report
- 62 CIWA scale
- 63 Receiving Screening policy
- 64 Medical Training for Correctional Officers policy
- 65 Nurse Jones’ interrogatory responses

### **GOSSAGE DEPOSITION EXHIBITS**

73 Letter, from Attorney Jeff Scott Olson to Sheriff John R. Gossage, 11/10/16

### **PETERS DEPOSITION EXHIBITS**

75 Brown County Position Description for correctional officer

76 Screenshots from the OMS system for Ruth Freiwald

### **MICHEL DEPOSITION EXHIBITS**

76 A-X Printouts from the OMS system

78 Amended Notice of Taking Videotaped Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6)

80 Booking Observation Report

173 Classification Main/Conclusion screenshot re: Ruth Freiwald

181 Classification screenshots and Brown County Jail Inmate Classification Notice

### **TIMRECK DEPOSITION EXHIBITS**

82 Brown County Jail EMP qualifications, rules, and regulations

### **DR. JOHN GREIST DEPOSITION EXHIBITS**

86 Curriculum Vitae of Dr. Greist

87 2/28/19 Invoice

88 Email correspondence from Budzien

89 Typewritten notes

90 Email chain (not identified on record)

91 Articles

92 "A Computer Interview for Suicide-Risk Prevention"

93 2/25/19 report

94 Notice of Deposition

- 95 Freiwald Matter: Testimony last four years
- 96 Handwritten notes on front of manila folders
- 97 Typewritten notes, all-inclusive
- 98 Note from review of nurse depositions
- 99 “Gabapentin selected Information 22 May ‘18”

**ANDREW WALTER DEPOSITION EXHIBITS**

- 102 Deposition Notice
- 103 LinkedIn page
- 104 Brown County document – Seven Minutes to Save campaign, rapid response series, withdrawal, alcohol and benzodiazepine for corrections and securities staff
- 105 CCS 000019 and 20 – Correct Care Solutions policy and procedure; Title: OPS-100\_A-01, Access to Care
- 106 CCS 000021 -23 – CCS policy called Responsible Health Authority, effective date March 2016
- 107 CCS 000024- 27 – Title: Administrative Meetings and Reports, is effective March of 2016
- 108 CCS 000028-29 – Policies and Procedures, effective March 2016
- 109 CCS 000033-34 – Grievance Mechanism For Healthcare Complaints, effective March 2016
- 110 CCS 000048-51 – Initial Health Assessment, effective March of 2016
- 111 CCS 000052-55 – Mental Health Screening and Evaluation, effective March of 2016
- 112 CCS 000056-58 – Emergency Services, effective March of 2016
- 113 BS66 – BS68 – Chronic Disease Services policy for CCS, effective March 2016
- 114 Policy from CCS called patients with special needs, effective July of 2016
- 115 CCS 73 – 77 – Basic Mental Health Services Policy, effective August of 2016
- 116 Database of federal lawsuits that have been filed against Correct Care Solutions

- 117 February 17, 2017 article called Go to Jail, Dies From Drug Withdrawal from Mother Jones
- 118 Article in gazette.com dated November 26, 2018. Title: 4.25 Million Settlement Reached in Fremont inmate's death
- 119 Article in Westword related to a number of lawsuits involving CCS
- 120 Associated Press News.com article entitled Many U.S. Jails Fail to Stop U.S. Suicides, dated June 18, 2019
- 121 Correct Care Solutions Redux: Poor Medical Care Leads to More Death, Lawsuits – dated December 7, 2018
- 122 Grand Traverse County Jail mental health
- 123 Jail outcry draws county response, new questions
- 124 Denver Post article from November 27, 2018
- 125 Atlantic article called The Private Option – dated September 12, 2019
- 126 Article called medical concerns for jail inmates

**KELLY J. SCHUMACHER DEPOSITION EXHIBITS**

- 148 Letter dated 6/28/16 To Whom it May Concern from Dawn Vardis, LPC
- 149 Typewritten notes by Ms. Schumacher
- 150 NWTC incident report by Randy Schultz dates 11/2/2016
- 151 Typewritten notes by Ms. Schumacher

**DEBORA GRYBOSKI DEPOSITION EXHIBITS**

- 155 Email communication between Deb Gryboski and Ann Freiwald re: “Time spent with Ruth”

**PAMELA M. PAGE, APNP DEPOSITION EXHIBITS**

- 156 Notice of Deposition for Pam Page
- 157 Prevea chart for Ruth Freiwald

**DAWN L. VARDIS DEPOSITION EXHIBITS**

159 Notice of Deposition for Dawn Vardis

**JULIE CHAPMAN DEPOSITION EXHIBITS**

160 Notice of Deposition of Julie Chapman

161 NWTC form entitled EMATCH

162 NWTC form entitled Part-Time New Hire Cover Sheet

163 NWTC form entitled Work-Study Authorization

164 Typewritten letter to Ann Freiwald from Julie Chapman

165 NWTC document entitled Criminal and Caregiver Background Check

166 Letter to Payroll at NWTC Library from Brown County Huber facility

167 NWTC Part-Time New Hire Sheet

**JOHN LOWRY– GTL, Global Tel\*Link DEPOSITION EXHIBITS**

174 Deposition videotape notice

175 Deposition subpoena

176 DSI-ITI Offender Management System Participant Guide

177 Booking report

178 Bates No GTL 1 through 7, Suicide Risk Assessment Overview

**SUE WARD, R.N. DEPOSITION EXHIBITS**

192 Case Listing of Deposition and Court Testimony Dated November of 2019

193 Initial Report

194 Initial Notice for Deposition, Along with Document Production Rider

195 Copy of Amended Notice of Video Deposition, With Document Production Rider

196 Supplemental Report

197 Email Correspondence



- 198 ANA Code of Ethics for Nurses
- 199 ANA Nursing Standards, Along With Some Written Correspondence, Fee Schedule, and Original Bill
- 200 Chapter N 6 and 7 of the Board of Nursing and DOC Policy

**THOMAS D. FOWLKES, M.D. DEPOSITION EXHIBITS**

- 203 Binder of materials belonging to Dr. Fowlkes
- 204 Report prepared by Dr. Fowlkes
- 205 Supplemental report prepared by Dr. Fowlkes
- 206 CIWA Assessment Scale for Benzodiazepines
- 207 PowerPoint presentation – “Benzodiazepines: An Update”
- 208 Article – “Prescribing and Tapering Benzodiazepines”
- 209 Affidavit of Dr. Thomas Fowlkes

**KIMBERLY PEARSON, RN DEPOSITION EXHIBITS**

- 216 Report
- 217 Supplemental Report
- 218 Westlaw case
- 219 General request form
- 220 Email
- 221 Article
- 222 Huber laws, rules, regulations
- 223 Article

**A.E. DANIEL, M.D. DEPOSITION EXHIBITS**

- 224 Dr. Daniel’s CV
- 225 Dr. Daniel’s website

226 Dr. Daniel's Professional Opinions and Conclusions  
227 J-G-02 43  
228 J-E-02 46  
229 Lawyer Monthly article  
230 J-E-07119

**ALFRED JOSHUA, M.D. DEPOSITION EXHIBITS**

237 CV  
238 Cases Involving Deposition or Trial Testimony  
239 List of Cases  
240 Report by Alfred Joshua, M.D.  
241 Supplemental Expert Report

**ADDITIONAL EXHIBITS**

- Email string Nov. 2019 – Dec. 2019– “Requests in lieu of additional 30-b-6 deposition on issue of training”
- Email from Andy Roth and sick call spreadsheets from 10/25-11/7
- John H. Greist, M.D. supplemental report dated 12/12/19
- Ward CV
- Autopsy
- Toxicology Report
- Sentencing Transcript – 10/27/16 (Dkt No. 87-6)
- Bates No. Backpack 000013-000016
- Certain Audio of Calls Produced by Brown County and Produced by Plaintiffs in Rule 26 Disclosure as Brown Cty Sheriff Dept Bates No. 000426:

- **Filename:** 11.\_10.94.0.21-0c7d16670a5e001521fd354450138a8f
- **Filename:** 12.\_10.94.0.21-0d34bbbc0a5e001521fd354482664397
- **Filename:** 22.\_10.96.0.21-133158540a6000156cf71784b1845a8b
- **Filename:** 14.\_10.94.0.21-1685b1c50a5e001521fd354452a7bb26
- **Filename:** 13.\_10.94.0.21-17c0e0f30a5e001521fd35440d19cedb
- **Filename:** 24.\_10.97.0.21-182b8d730a6100154fb816830b7bceb9
- **Filename:** 9.\_10.93.0.21-1880b60e0a5d0015734a81fbc50f5fc
- **Filename:** 23.\_10.97.0.21-1b5eff1b0a6100154fb81683efd1d584
- **Filename:** 3.\_10.91.0.21-1b3002160a5b001543523784182a2295
- **Filename:** 8.\_10.93.0.21-22d00a150a5d0015734a81fb72b56155

- 2015-08-13– Photo
- 2015-08-20 (1) – Photo
- 2015-08-20 (2) - Photo
- 2015-09-12 Manitowoc (1) - Photo
- 2015-09-12 Manitowoc (2) – Photo
- 2015-09-12 Manitowoc (3) – Photo
- 2015-11-16 – Photo
- 2015-12-21– Photo
- 2016-05-07– Photo
- 2016-06-05– Photo

- Bates No. Phone 34 produced by Plaintiffs on October 25, 2019 – October 23, 2016 video;

Voicemails:

- Bates No. Phone 38 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 39 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 40 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 41 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 43 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 44 produced by Plaintiffs on October 25, 2019
- Bates No. Phone 1-4, 6-14, 17 produced by Plaintiffs on October 25, 2019
- Ruth Freiwald's backpack and its contents
- Ruth Freiwald's brown bag from Brown County Jail and contents
- Bates No. Text Email 29-33
- Bates No. Text Email 34-75
- Bates No. Text Email 82
- Bates No. Text Email 84
- Bates No. Text Email 89-91
- Bates No. Text Email 91-92
- Bates No. Text Email 99-100
- Bates No. Text Email 102-103
- Bates No. Phone 27 - Photo
- Bates No. Phone 30 - Photo
- Bates No. Phone 29 - Photo

- Bates No. Phone 32 - Photo
- Bates No. Phone 33 - Photo
- Call log from Ann Freiwald (Ann Call Log 1-3)
- Certified Judgment of Conviction and Order
- Death Certificate (Death Cert. 1-2)
- Funeral Bill (FUNERAL 1)
- Green Bay Metro Fire Department Ambulance Bill (DOS: 11/2/16) (GB Amb 1-2)
- St. Vincent Hospital Bills (DOS: 11/2/16-11/6/16) (St. Vincent Bills 1-11)
- Green Bay Plastic Surgical Associates, S.C. Bills (GBPSA 1-2)
- Prevea Health bills (Prevea Bills 1-3)
- Green Bay Anesthesiology Assoc., S.C. Bills (GB Anethes 1-2)
- Infinity Healthcare Physicians Bills (Infinity Bills 1-2)
- Green Bay Radiology Bills (GB Radiology 1-18)
- St. Vincent Hospital Medical Records (DOS: 1/15/16-11/6/16) (St. Vincent Hosp 1-492)
- St. Vincent Hospital Medical Records, certified 2/20/19 (St. Vincent Hosp 493-2077)
- Prevea Health Medical Records (DOS: 2/17/16 – 10/18/16) (Prevea Health 1-88)
- Brown County Community Treatment Center Medical Records (DOS: 2/9/16-2/12/16) (BC Comm Treat Cntr 1-14)
- Bellin Health Medical Records (DOS: 3/3/14 – 2/20/15) (Bellin Health 1-5)
- Denial for Electronic Monitoring (Dkt 87-15)
- Affidavit of Jaymi Ninham attached to Summary Judgment Motion
- Dkt 154-13 – *Braxton v. Outagamie County, et al.* Complaint
- Dkt 154-14 – *Brooks v. Brown County Sheriff's Dept. Jail Division, et al.* Complaint

- Dkt 154-15 – *Knickerbocker v. Blozinski, et al.* Complaint
- Dkt 154-16 – *Troutman v. Louisville Metro Department of Corrections, et al.* Complaint
- Dkt 154-17 – *Gallenberger v. Brown County, et al.* Complaint
- A-10 Patient Death (CCS 327-334)
- B-02 Patient Safety (CCS 345-345)
- C-09 Orientation of Health Staff (CCS 383-386)
- D-10D Controlled Substances Accountability (CCS 407-417)
- E-7 Nonemergency Health Care Requests (CCS 473-475)
- E-12 Continuity and Coordination of Care during incarceration (CCS 495-500)
- G-06 Patients with Alcohol and Other Drug Problems (CCS 579-81)
- G-07 Intoxication and Withdrawal (CCS 590-593)
- Huber rules (Brown Cty Sheriff Dept 66-67)
- Training of CCS – Fatoki (CCS 641, 652-656)
- Training of CCS – Blozinski (CCS 642-657-661)
- Training of CCS – Jones (CCS 643, 647-651)
- Training of CCS – Denissen (CCS 644-646)
- 1973 article – Article: A Computer Interview for Suicide-Risk Prediction, *Am J Psychiatry* 130:12, December 1973
- Clinical Neuroscience article – Article: Predictive Value of Baseline Electronic Columbia-Suicide Severity Rating Scale (eC-SSRS) Assessments for Identifying Risk of Prospective Reports of Suicidal Behavior During Research Participation, *Innovations in Clinical Neuroscience*, Volume 11, Number 9-10, September-October 2014

- Max Hamilton Depression scale – Article: A Rating Scale for Depression by Max Hamilton, J. Neurol. Neurosurg. Psychiat., 1960, 23, 56
- A new depression scale – Article: A New Depression Scale Designed to be Sensitive to Change by Stuart A. Montgomery and Marie Asberg, Brit. J. Psychiat. (1979), 134, 382-9
- Inventory of Depressive Symptomology – Article: The Inventory of Depressive Symptomatology (IDS): psychometric properties, Psychological Medicine, 1996, 26, 477-486
- Time Related Predictors of Suicide in Major Affective Disorder – Article: Time-Related Predictors of Suicide in Major Affective Disorder, Am J Psychiatry 147:9, September 1990
- Highlights of Prescribing Neurontin (gabapentin)
- Withdrawal Symptoms After Gabapentin Discontinuation
- Klonopin Tablets – FDA Approved Labeling Text October 2013/FDA Approved MG Text October 2013
- DailyMed clonazepam
- 2016 American Addictions Centers Website – Clonazepam Withdrawal Symptoms, Length, and Treatment
- CCS Records (Dkt 91-1)(Bates HRVA CCS 000001-18)
- FDA Document on Clonazepam (Dkt No. 91-17)
- Declaration of Fatoki (Dkt No. 93)
- Article: Corrections and Suicide (Dkt 107-13)
- Article: Preventing Suicide in Prison: A Collaborative Responsibility of Administrative, Custodial, and Clinical Staff by Anasseril E. Daniel, MD, J AM Acad Psychiatry Law 34:165-75, 2006
- Brown County Training materials regarding benzodiazepine withdrawal (Dkt 108-2)

**F. PLAINTIFFS' DESIGNATION OF ALL DEPOSITIONS OR PORTIONS OF TRANSCRIPTS OR OTHER RECORDINGS OF DEPOSITIONS TO BE READ INTO THE RECORD OR PLAYED AT TRIAL AS SUBSTANTIVE EVIDENCE**

**1. JOHN LOWRY - Plaintiff's Designations**

<b>Page:Line</b>	<b>Objections</b>
5:16-23	
6:1-9	
6:13-20	
11:7-23	
12:5-10	
12:12-20	
13:6-9	
14:2-12	
17:1-20	
18:1-6	
20:12-13	
20:18-23	
21:1-10	
22:19-23	
23:1-23	
24:1-5	
37:8-11	

**2. AUDIO OF CALLS PRODUCED BY BROWN COUNTY AND PRODUCED BY PLAINTIFFS IN RULE 26 DISCLOSURES AS BROWN CTY SHERIFF DEPT BATES NO. 000426 - Plaintiffs' Designations**

Plaintiffs intend to play the portions that are designated below. Copies of the transcripts have been provided to counsel with designated portions highlighted.

**Plaintiff's Designations**

<b>Filename:</b>	<b>11._10.94.0.21-0c7d16670a5e001521fd354450138a8f</b>
<b>Page-Time</b>	<b>Objections</b>
1-1:52	

<b>Filename:</b>	<b>12._10.94.0.21-0d34bbbc0a5e001521fd354482664397</b>
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<b>Page-Time</b>	<b>Objections</b>
1- 3:09	
1- 3:10	
1- 3:12	
1- 3:18	
1- 3:32	
1- 4:16	
2- 4:55	
3-7:01`	
3-7:07	
3-7:44	
3-7:47	
3-7:51	
3-8:02	
3-8:10	
4-8:12	
4-8:24	
4-8:26	
4-8:28	
4-8:34	

<b>Filename:</b>	<b>22_ 10.96.0.21-133158540a6000156cf71784b1845a8b</b>
<b>Page-Time</b>	<b>Objections</b>
1-00:46	
2-3:37	
2-3:48	
2-3:50	
3-4:19	
3-4:23	
3-4:28	
3-4:41	
3-4:46	
3-4:49	
4-6:04	
4-6:12	
4-6:23	
4-6:24	
4-6:26	
4-6:27	
4-6:31	
4-6:35	
4-6:36	
4-6:37	
5-6:37	

7-10:49	
7-11:13	
7-11:15	
7-11:27	
7-11:28	
8-11:42	
8-11:48	
8-11:48	
8-11:50	
8-11:59	
8-11:59	
8-12:05	
10-15:23	
10-15:25	
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10-15:26	
10-15:26	
10-15:27	
10-15:28	

<b>Filename:</b>	<b>14_10.94.0.21-1685b1c50a5e001521fd354452a7bb26</b>
<b>Page-Time</b>	<b>Objections</b>
1-2:08	
1-2:09	
1-2:13	
1-2:13	
1-2:32	
1-2:33	
1-2:40	
1-2:40	
1-2:43	
1-2:53	
1-3:35	
1-3:35	
2-3:53	
2-3:55	
2-4:15	
2-4:17	
2-4:23	
2-4:51	
2-4:52	
2-4:52	
2-4:55	
2-4:57	

2-4:57	
3-5:27	
3-5:28	
3-5:34	
3-5:38	
3-5:39	
3-5:42	
3-5:45	
3-6:10	
3-6:34	
3-6:37	
4-7:34	
4-7:35	
4-7:41	
4-7:51	
4-7:52	
4-8:06	
4-8:14	
4-8:16	
4-8:17	
5-8:35	
6-11:10	
6-11:12	
6-11:19	
6-11:22	
7-11:56	
7-12:19	
7-12:38	
7-13:02	
7-13:03	
7-13:11	
8-13:12	
8-13:15	
8-13:16	
8-13:31	
8-13:32	
8-13:33	
8-13:36	
8-13:55	
8-13:56	
8-14:02	
8-14:04	
8-14:11	
8-14:18	
9-15:26	

9-15:32	
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<b>Filename:</b>	<b>13._10.94.0.21-17c0e0f30a5e001521fd35440d19cedb</b>
<b>Page-Time</b>	<b>Objections</b>
1-00:45	
2-1:58	
2-2:02	
2-3:05	
2-3:08	
3-3:12	
3-3:30	
3-3:32	
3-3:34	
3-4:00	
3-4:02	
3-4:20	
3-4:22	
3-4:23	
3-4:29	
4-4:36	
5-6:58	
6-8:11	
6-8:45	
6-8:46	
6-9:01	
6-9:02	
6-9:04	
6-9:08	
6-9:11	
6-9:12	
6-9:15	
7-10:04	
7-10:28	
7-10:32	
7-10:36	
7-10:37	

<b>Filename:</b>	<b>24._10.97.0.21-182b8d730a6100154fb816830b7bceb9</b>
<b>Page-Time</b>	<b>Objections</b>
1-00:50	
1-00:53	
1-1:26	
1-1:29	

1-1:32	
1-1:41	
1-1:53	
1-2:00	
1-2:01	
1-2:02	
1-2:05	
2-2:06	
2-2:10	
2-2:14	
2-2:19	
2-2:20	
2-2:26	
2-2:29	
2-2:32	
2-2:35	
2-2:50	
2-2:52	
2-2:53	
2-3:04	
2-3:08	
2-3:09	
3-3:25	
3-3:31	
3-3:35	
3-3:43	
3-3:52	
3-4:11	
3-4:12	
3-4:14	
3-4:19	
3-4:23	
3-4:39	
3-5:02	
3-5:04	
4-5:16	
4-5:19	
4-7:33	
4-7:47	
5-8:22	
5-8:25	
5-8:44	
5-8:57	
5-9:02	
5-9:05	

5-9:18	
6-9:34	
6-9:40	
6-9:45	
6-9:59	
6-10:01	
6-10:10	
6-10:16	
6-10:21	
6-10:27	
6-10:30	
6-10:46	
6-10:50	
7-10:52	
7-11:02	
7-11:09	

<b>Filename:</b>	<b>9_10.93.0.21-1880b60e0a5d0015734a81fbcd50f5fc</b>	
<b>Page-Time</b>	<b>Objections</b>	
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1-00:49		
1-00:54		
1-00:55		
1-1:11		
1-1:12		
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1-1:18		
1-1:21		
1-1:26		
1-1:29		
1-1:44		
1-1:45		
1-1:53		
1-1:56		
2-2:04		
2-2:18		
2-2:20		
2-2:28		
2-2:29		
2-3:04		
2-3:32		
2-3:35		
3-4:09		
3-4:12		

3-4:41	
3-4:45	
3-4:46	
3-4:49	
4-7:14	
5-7:26	
5-7:28	
5-7:29	
6-9:02	
6-9:15	
6-9:20	
6-9:27	
6-9:36	
6-9:37	
6-9:46	
6-9:47	
6-9:49	
6-9:50	

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<b>Page-Time</b>	<b>Objections</b>	
1-00:46		
1-00:54		
1-1:07		
1-1:08		
1-1:15		
1-1:17		
1-1:18		
1-1:25		
1-1:26		
1-1:31		
1-1:37		
1-1:38		
1-1:43		
2-1:51		
2-1:59		
2-2:09		
2-2:11		
2-2:40		
2-2:42		

<b>Filename:</b>	<b>3_ 10.91.0.21-1b3002160a5b001543523784182a2295</b>	
<b>Page-Time</b>	<b>Objections</b>	

1-2:11	
1-2:14	
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1-2:31	
1-2:40	
2-2:53	
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2-2:59	
2-3:03	
2-3:07	
2-3:08	
2-3:14	
2-3:16	
2-3:18	
2-3:25	
2-3:28	
2-3:32	
2-3:36	
2-3:58	
2-4:01	
3-4:01	
3-4:10	
3-4:14	
3-4:15	
3-4:18	
3-4:19	
3-4:27	
3-4:29	
3-4:30	
3-4:33	
3-4:43	
3-4:45	
3-4:47	
3-4:49	
3-4:56	
3-4:57	
4-5:11	
4-5:14	
4-5:18	
4-5:19	
4-5:21	
4-5:22	
4-5:28	
4-5:29	



4-5:31	
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5-6:43	
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<b>Filename:</b>	<b>8_10.93.0.21-22d00a150a5d0015734a81fb72b56155</b>
<b>Page-Time</b>	<b>Objections</b>
1-00:47	
1-00:59	
1-1:00	
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1-1:23	
1-1:25	
1-1:27	
1-1:54	
1-1:58	
2-1:59	
2-2:02	
2-2:04	
3-3:19	
3-3:24	
3-3:25	
3-3:27	
3-3:28	
3-3:32	
3-3:36	
3-3:42	
3-3:43	
3-3:45	
3-3:46	
3-3:47	
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4-3:54	
4-3:56	
4-4:16	
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4-5:14	
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5-5:30	

10-11:27	
10-12:22	
10-12:23	
10-12:37	
10-12:38	
11-13:01	

### **3. AUDIO/VIDEO PRODUCED BY PLAINTIFFS ON 10/25/2019 – Plaintiffs’ Designations**

Plaintiffs intend to play/show the video dated 10/23/16 and marked as Bates No. 34 which was produced by Plaintiffs on October 25, 2019.

Plaintiffs intend to play the voicemails marked as Bates No. 38, 39, 40, 41, 43 and 44 which were produced by Plaintiffs on October 25, 2019.

Plaintiffs reserve the right to play other portions of these or other audios/videos that Defendants’ intend to use in rebuttal or as part of the rule of completeness.

## **G. ESTIMATE OF THE TIME NEEDED TO TRY THE CASE**

Plaintiffs have requested agreement that all witnesses, including the parties, be called only once during the trial. Defendants have agreed to this for third-party witnesses, but disagree that if a Defendant is called adversely in Plaintiffs' case, that he or she cannot be called again in Defendants' case. A determination on this issue will impact the time needed to try the case. Similarly, if Defendants' motion in limine requiring Plaintiffs to call all underlying providers rather than use the medical records without the providers, then the amount of time Plaintiffs need for their case will be extended.

Plaintiffs currently expect to rest their case at the close of business Friday, August 27 but if all witnesses are only called once, then they expect to close their case by close of business August 30.

## **H. PROPOSED VOIR DIRE QUESTIONS; PROPOSED INSTRUCTIONS ON SUBSTANTIVE ISSUES; AND PROPOSED VERDICT FORM**

- i. PLAINTIFFS' PROPOSED *VOIR DIRE* QUESTIONS - Attached as Exhibit A.**
  - ii. PLAINTIFFS' PROPOSED JURY INSTRUCTIONS ON SUBSTANTIVE ISSUES – Attached as Exhibit B.**
  - iii. PLAINTIFFS' PROPOSED VERDICT FORM – Attached as Exhibit C.**
- I.** Plaintiffs provided a list of proposed stipulations to all parties on June 10, 2021 (see **Exhibit D**) and followed up several times to determine if the parties agreed to them. On July 8, 2021, CCS' counsel indicated agreement to some of the proposed stipulations, as reflected in an email from Andy Roth, attached as **Exhibit E**. Dr. Fatoki's counsel notified Plaintiffs' counsel that she had not had time to provide responses to the proposed stipulations but would do so, however, as of 3:15 pm on July 9 when this pretrial report was completed, had not provided the responses. She did, however, indicate her agreement to stipulate that Defendants were acting under "color of law" as Plaintiffs' had requested by separate email to the parties. CCS' counsel has not weighed in on the "color of law" stipulation as of this filing.

Dated: 7/9/21

***Attorneys for Plaintiffs***  
LAWTON & CATES, S.C.

/s/ Dixon R. Gahnz  
Dixon R. Gahnz, SBN: 1024367  
345 W. Washington Ave., Suite 201  
P.O. Box 2965  
Madison, WI 53701  
P: (608) 282-6200  
F: (608) 282-6252  
[dgahnz@lawtoncates.com](mailto:dgahnz@lawtoncates.com)

***Attorneys for Plaintiffs***  
VALOREM LAW GROUP

/s/ Nicole N. Auerbach  
Nicole N. Auerbach, SBN: 6217095  
218 N. Jefferson Street, Suite 300  
Chicago, IL 60661  
P: (312) 676-5460  
F: (312) 676-5499  
[Nicole.auerbach@valoremlaw.com](mailto:Nicole.auerbach@valoremlaw.com)